

that the General Assembly can pass a law for quick-take without it being authorized by a provision in the Constitution?

DELEGATE J. CLARK (presiding): Delegate Kiefer.

DELEGATE KIEFER: We are removing the prohibition, Delegate Sybert. It can be regulated by the General Assembly and this is what is done in other states normally.

DELEGATE J. CLARK (presiding): Delegate Sybert.

DELEGATE SYBERT: I do not believe there is any authority in the Maryland law or in Maryland cases which would permit the General Assembly to provide for a quick take merely by statute or do you know of any such Maryland authority?

DELEGATE KIEFER: Delegate Sybert, I think we have to start with the proposition that the right to take property for public use or purposes is a matter of the sovereignty's basic right. What the prohibition here is against is the absolute exercise of that right without just compensation and we have added to it.

Now, I know of no reason why the General Assembly in its wisdom cannot spell out the procedures and mechanics for this and the ground rules for it. All the present Constitution does is to prohibit quick takes and then there are four pages of exceptions to this.

DELEGATE J. CLARK (presiding): Delegate Sybert.

DELEGATE SYBERT: You feel then under the inherent powers of the State as a sovereign, it could take in any event and that the present constitutional provision is a limitation on that right, namely the requirement of just compensation?

DELEGATE J. CLARK (presiding): Delegate Kiefer.

DELEGATE KIEFER: This is not only correct, but it was very carefully and fully stated in a fairly recent case, the Ryder case, I think it is, in 280 Maryland, or it is 180 Maryland. It is a fairly recent case, stating that this is the sovereign right and the prohibition we have set out is to prohibit the state action.

DELEGATE J. CLARK (presiding): Delegate Sybert? Are there any further questions?

*(There was no response.)*

If not, we will move to section 10. Are there any questions on section 10?

*(There was no response.)*

If not, that concludes the questions on R&P-1.

*(President H. Vernon Eney resumed the Chair.)*

THE CHAIRMAN: The Chair recognizes Delegate Powers.

DELEGATE POWERS: Mr. Chairman, I move that the Committee of the Whole rise and adopt its Committee Recommendation EB-2 with amendments and further report that it has not completed its consideration of Committee Recommendation R&P-1.

*(The motion was duly seconded.)*

THE CHAIRMAN: All those in favor signify by saying Aye; contrary, No. The Ayes have it. It is so ordered.

*(Whereupon, at 6:15 P.M., the Committee of the Whole rose, and the Convention reconvened.)*

*(The mace was replaced by the Sergeant-at-Arms.)*

## PLENARY SESSION

DECEMBER 9, 1967—6:15 P.M.

PRESIDENT H. VERNON ENEY,  
PRESIDING

THE PRESIDENT: On behalf of the Committee of the Whole, the Chair reports that the Committee has approved Committee Recommendation EB-2 with amendments. Committee Recommendation EB-2 is referred to the Committee on Style, Drafting and Arrangement.

The Committee of the Whole further reports it has under consideration Committee Recommendation R&P-1, that it still has it under consideration and it desires to sit again.

Are there any announcements necessary to be made by committee chairmen?

Delegate Penniman?

DELEGATE PENNIMAN: There will be a meeting of the Committee on Style at 10:00 A.M. on Monday.